

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3616/1dn
MDK:cjs:rs

October 18, 2005

Sen. Cowles:

This version compiles LRB-0339/P3, LRB-3616/P3, and LRB-3517/P3. The provisions of this version are identical to the foregoing drafts, except for the following:

1. Proposed s. 16.75 (12) (c) requires total electric energy to be determined on the basis of a 3-year average. Also, in proposed s. 16.75 (12) (b), the deadlines are changed to refer to December 31 of the specified years.
2. The first reference to "this subdivision" in s. 16.957 (2) (b) 2. is changed to "this paragraph." However, I think the 2nd reference is okay.
3. The creation of s. 16.957 (4) (d) is eliminated because the exemption from income is stated in proposed s. 71.26 (1) (g).
4. This version requires the fiscal agent to collect and deposit into the utility public benefits fund the amount that DOA must transfer to the general fund under s. 77.54 (48) (b). See proposed s. 196.374 (3m) (c) 3. c. This requirement was omitted in previous versions.
5. The language of proposed s. 77.54 (48) (b) is changed to clarify that the DOR determines the amount of lost tax revenue.
6. Proposed s. 196.374 (3m) (a) 2. refers to public benefits programs, which include low-income assistance programs.
7. I made stylistic changes to s. 196.374 (3m) (c). Also, a typo in proposed s. 196.378 (4m) is corrected.
8. This version requires PSC to direct utilities to collect and pay to the fiscal agent the amount of the fiscal agent's expenses. See proposed s. 196.374 (3m) (c) 3. d. (The fiscal agent is not required to deposit the expenses into the utility public benefits fund. See the first sentence of proposed s. 16.957 (1r).)
9. The 2nd sentence of proposed s. 196.374 (3m) (e) in the previous version is eliminated.
10. Is proposed s. 196.378 (1) (n) 2. (which creates a new type of "system renewable energy") consistent with the definition of "nonsystem renewable energy" in s. 196.378

(1) (f), which is not affected by this version? (Under the definition of “nonsystem renewable energy”, it appears that anything that isn’t owned or operated by an electric provider is not part of the electric provider’s system. However, proposed s. 196.378 (1) (n) 2. creates a new type of system renewable energy that is not owned or operated by an electric provider.)

11. This version repeals s. 196.378 (2) (b) 3. because, after reviewing the hydroelectric aspects of the renewable portfolio standard, I concluded that it isn’t necessary. Under s. 196.378 (1) (h) 1m., which is not affected by this version, the definition of “renewable resource” is limited to hydroelectric facilities with a capacity of less than 60 megawatts. Therefore, there’s no need to exclude energy from hydroelectric facilities with a capacity of 60 megawatts or more.

12. This version corrects some language in proposed s. 196.378 (2) (e) 1. and 4.

13. The new sentence at the end of s. 196.378 (3) (a) 1. is revised to clarify intent.

14. Proposed s. 196.378 (3) (a) 2. is revised to refer to facilities, rather than resources.

15. This version make a few additional technical changes discussed with John Stolzenberg.

Finally, please note the following:

1. Should LFB verify the \$1,850,000 referenced in proposed s. 16.957 (2) (cm)?

2. Proposed s. 196.374 (3m) (a) 1. requires the PSC to be responsible for energy efficiency and renewable resource programs. However, s. 16.957 (2) (bg) requires DOA to be responsible for administering public benefits programs throughout the state. Aren’t these provisions inconsistent?

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